

survivor is entitled, or potentially entitled, to a tier II annuity component, the parent tier II annuity component is zero.

(3) *Child*. The amount of each child's tier II annuity component is 15 percent of the employee's tier II annuity component which would have been payable in the month in which the child became entitled had the employee been alive and in receipt of an annuity under the Railroad Retirement Act at that time.

(c) *Minimum tier II survivor annuity components*. If the total tier II annuity components payable to survivors is less than 35 percent of the employee's tier II annuity component which would have been payable in the month the survivors became entitled had the employee been alive and in receipt of an annuity under the Railroad Retirement Act at that time, the individual tier II annuity components computed in paragraph (b) of this section shall be increased proportionally so that the total of all such tier II annuity components equals 35 percent of the employee's tier II annuity component.

(d) *Maximum tier II annuity components*. If the total tier II survivor annuity components payable to survivors exceeds 80 percent of the employee's tier II annuity component which would have been payable in the month the survivors became entitled had the employee been alive and entitled to an annuity under the Railroad Retirement Act at that time, the individual tier II annuity components computed in paragraph (b) of this section shall be reduced proportionally so that the total of all such tier II annuity components totals no more than 80 percent of the employee's tier II annuity component.

(e) *Age reduction*. The tier II annuity component of a widow(er) or disabled widow(er) is subject to reduction by the same age reduction factor as is applicable to the tier I annuity component. See § 228.15 of this part.

#### § 228.51 Takeback amount.

(a) The 1983 amendments to the Railroad Retirement Act provided that a portion of the cost-of-living increases payable on the tier I annuity component be offset from the amount of the tier II annuity. This amount is the takeback amount. The amount of the takeback and its application depends on the employee and survivor's annuity beginning dates.

(b)(1) The tier II takeback amount for survivors whose annuity beginning date is January 1, 1984 or later is usually the amount of the employee's takeback amount. That amount is equal to 5 percent of the employee's primary

insurance amount, less all applicable reductions (net tier I), on November 1, 1983. However, if the employee's annuity was reduced for a social security benefit but the survivor's annuity is not, the takeback amount is the amount the employee's annuity would have been reduced for the takeback if the employee's annuity had not been reduced for a social security benefit. If the employee's annuity had not been tiered or was being paid under the overall minimum, the Board will compute the amount of the tier II takeback that would have been applicable to the employee's annuity.

(2) The tier II takeback amount for survivors whose annuity beginning date is before January 1, 1984 is equal to 5 percent of the survivor's net tier I annuity component, before deduction on account of work, on November 1, 1983.

(3) The tier II takeback will be applied in accord with the above paragraphs in any case where the employee died or retired before January 1, 1984. If the employee died or retires after December 31, 1983, or the employee never retired and dies after December 31, 1993, no takeback will be applied to the survivor's annuity.

(c) No takeback is applied if the survivor tier II annuity amount before the takeback is applied is \$10.00 or less and cost-of-living increases have not increased the tier II annuity amount to more than \$10.00 (the takeback may never reduce the tier II to an amount less than \$10.00).

#### § 228.52 Restored amount.

(a) *General*. A restored amount is added to the tier II annuity component of a widow(er)'s annuity whose annuity is reduced for receipt of an employee annuity under the Railroad Retirement Act provided either the employee or the widow(er) had ten years of creditable railroad service prior to January 1, 1975.

(b) *Amount*. The amount of the tier II restored amount for a widow(er) is the difference between the amount payable as a widow(er) under the Railroad Retirement Act of 1937 as increased by all annual social security cost-of-living percentage increases from January 1, 1975, until the later of the annuity beginning date of either the employee's annuity or the widow(er)'s annuity and the amount payable to the widow(er) under the Railroad Retirement Act of 1974 under the rules set forth in this part.

(c) *Widower*. In order to qualify for an annuity under the 1937 Act and thus for a restored amount, a widower must have been dependent on his spouse for at least 50 percent of his support in the

year prior to her death or at the time the spouse's annuity began.

#### § 228.53 Spouse minimum guarantee.

The Railroad Retirement Act provides that a spouse should receive no less as a widow(er) than he or she received as a spouse. However, if the widow(er) becomes entitled to a social security benefit, thus reducing his or her annuity, the spouse minimum guarantee is payable only to the extent that it guarantees the amount that the widow(er) would have received as a spouse had he or she been entitled to a social security benefit in the month preceding the employee's death in an amount equal to the amount of the social security benefit payable at the time the widow(er) first became entitled to the social security benefit.

#### § 228.60 Cost-of-living increase.

The tier II annuity component of a survivor annuity under the Railroad Retirement Act is increased by 32.5 percent of the percentage increase under section 215(i) of the Social Security Act at the same time that any such increase is payable. The amount of the increase is published in the **Federal Register** annually. The cost-of-living is payable beginning with the benefit payable for the month of December of the year for which the increase is due. The increase is paid in the January payment. In addition, in determining the amount of the tier II component at the time the survivor annuity begins, all cost-of-living increases that were applied or would have been applied after the employee's annuity beginning date or death and prior to the surviving annuity beginning date are taken into consideration.

#### PART 237—[REMOVED AND RESERVED]

2. Part 237 consisting of §§ 237.101–237.108 is hereby removed and reserved.

Dated: March 24, 1995.

By authority of the Board.

For the Board,

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 95–7778 Filed 3–29–95; 8:45 am]

BILLING CODE 7905–01–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Social Security Administration**

**20 CFR Part 416**

RIN 0960-AC98

**Supplemental Security Income for the Aged, Blind, and Disabled Elimination of Waiting Period for Termination of Couple Status**

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements section 8012(a) of Pub. L. 101-239 which, effective October 1, 1990, changed the definition of the term "eligible spouse" as it is used in the supplemental security income (SSI) program. Under the former definition of "eligible spouse," members of an SSI eligible couple who began living apart could not be treated as individuals for SSI eligibility and payment purposes during the first 6 months following the month in which they began living apart. The statutory change eliminated the 6-month waiting period. The final rule revises the definition of "eligible spouse" contained in the regulations as well as makes a number of other conforming changes. Finally, the rule eliminates provisions in the regulations pertaining to eligible couples living apart.

**EFFECTIVE DATE:** March 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Regarding this document—Harry Short, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-6243; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** Section 1614(b) of the Social Security Act (the Act), as in effect until October 1, 1990, defined an eligible spouse as "an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who has not been living apart from such other aged, blind, or disabled individual for more than six months." One effect of this definition was to create a 6-month waiting period before the members of an eligible couple, who begin living apart, could be treated as individuals for SSI purposes.

Section 8012 of Public Law 101-239 (the Omnibus Budget Reconciliation Act of 1989) eliminated the 6-month waiting period by revising the definition of an eligible spouse. Effective October 1,

1990, "eligible spouse" means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who is living with that eligible individual on the first day of the month, or, in any case in which either spouse files an application for benefits or requests restoration of eligibility under the SSI program during the month, at the time the application or request is filed.

This final rule revises the definition of "eligible spouse" in §§ 416.120(c)(14) and 416.1801(c) to reflect section 8012 of Public Law 101-239.

The legislative history does not indicate that Congress intended to treat couples who are temporarily separate as individuals. Therefore, the rule also provides in § 416.1801(c) that an individual is considered to be living with an eligible spouse during temporary absences as defined in § 416.1149 and while receiving continued benefits under section 1611(e)(1)(E) or (G) of the Act.

In addition to revising the definition of "eligible spouse" in §§ 416.120(c)(14) and 416.1801(c), a number of other sections in the regulations are revised to eliminate provisions which refer to the prior rule for terminating eligible couple status based on a 6-month period of living apart. These sections are as follows:

- Section 416.305(b)(1) is revised to remove language regarding the eligible spouse living apart from the eligible individual for a period of 6 months.
- Section 416.412 is amended by using more precise language in the first sentence when referring to a member of an eligible couple temporarily residing in a medical care facility. We also make a technical change for convenience in future updating by showing the payment amounts for such eligible couple in a table rather than as text and updating the table with the amounts published in the **Federal Register** at:  
52 FR 41672 (10/29/87)  
53 FR 43932 (10/31/88)  
54 FR 45801 (10/31/89)  
54 FR 53751 (12/29/89)  
55 FR 45856 (10/31/90)  
56 FR 55325 (10/25/91)  
57 FR 48619 (10/27/92)  
58 FR 58004 (10/28/93)  
59 FR 54464 (10/31/94)

- Section 416.414 is revised to specify that the computations in paragraphs (b)(2) and (b)(3) are applicable only when one or both members of an eligible couple are temporarily absent from home per § 416.1149(c)(1). As their absence is temporary, they are not separated.
- Section 416.430, which deals with essential person increments, is revised

by removing language regarding when the members of an eligible couple live apart and adding language to explain how to pay a couple when one member is temporarily absent and subject to the \$30 payment limit while an inpatient at a medical facility where Medicaid is paying more than half the cost of care. The reference to § 416.531 is also changed to § 416.413.

- In § 416.432, a portion of the introductory language and paragraphs (a) and (b) are removed. The removed material concerns members of an eligible couple who have separated.
- Section 416.532(e), which provides for essential person increments when members of an eligible couple live apart, is removed.
- In § 416.554, the last sentence of the text and example three regarding separated members of an eligible couple are revised.
- In § 416.1130(c), the last sentence, which refers to members of an eligible couple who have different living arrangements, is removed.
- In § 416.1147, paragraphs (a) and (d) are removed and the remaining paragraphs are revised and redesignated (a), (b), (c), and (d) respectively. The deleted material deals with valuation of in-kind support and maintenance for a member of an eligible couple who is separated from his or her spouse.
- Section 416.1802(b) is revised to remove language referring to computation of benefits for separated members of an eligible couple.
- Section 416.1806 is revised to contain rules on who will be considered the individual's spouse, if more than one person would qualify.
- Section 416.1811 is removed as a result of the revision to § 416.1806. The cross-reference to § 416.1811 in § 416.1101 (definition of "spouse") is also removed.
- Section 416.1830(a)(1) is revised to provide that, if the members of an eligible couple begin living apart, they will be treated as individuals beginning with the month following the calendar month they stopped living together.
- In § 416.1832 (c) and (d), the cross-references to § 416.1806 (b) and (c) respectively are revised to refer to § 416.1806 (a)(2) and (a)(3) respectively. This change is necessitated by the revision we are making to § 416.1806.
- Section 416.1832(d) is revised to provide that, if a marital relationship has been found to exist solely because a man and woman are living together and leading others to believe that they are husband and wife, such marital relationship will be considered to end as of the date the man and woman stop living together.

**Public Comments**

This rule was published as a Notice of Proposed Rulemaking on March 8, 1994 (59 FR 10766). A 60-day comment period was provided. We did not receive any public comments. We are, therefore, adopting the rule essentially as proposed with the exception of some nonsubstantive technical revisions and the addition of the technical and update change being made to § 416.412 discussed above.

**Obsolete Social Security Rulings**

Enactment of Section 8012(a) of Public Law 101-239 has made the following Social Security Rulings (SSRs) obsolete: 76-28, 76-41, and 88-11c. Therefore, we are rescinding these SSRs simultaneously with the publication of this final rule.

**Regulatory Procedures**

*Executive Order No. 12866*

We have consulted with the Office of Management and Budget (OMB) and determined that this rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

*Regulatory Flexibility Act*

We certify that this final regulation will not have a significant economic impact on a substantial number of small entities because it will affect only individuals and states. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

*Paperwork Reduction Act of 1980*

This final regulation imposes no additional reporting and recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income.)

**List of Subjects in 20 CFR Part 416**

Administrative Practice and Procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income

Dated: February 1, 1995.

**Shirley Chater,**  
*Commissioner of Social Security.*

Approved: March 24, 1995

**Donna E. Shalala,**  
*Secretary of Health and Human Services.*

For the reasons set out in the preamble, part 416 of chapter II of title 20 of the Code of Federal Regulations is amended as follows:

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED.**

1. The authority citation for subpart A continues to read as follows:

**Authority:** Secs. 1102 and 1601-1634 of the Social Security Act; 42 U.S.C. 1302 and 1381-1383c; sec. 212 of Pub. L. 93-66, 87 Stat. 155 and sec. 502(a) of Pub. L. 94-241, 90 Stat. 268.

2. In § 416.120, paragraph (c)(14) is revised to read as follows:

**§ 416.120 General definitions and use of terms.**

\* \* \* \* \*

(c) *Miscellaneous.* \* \* \*

(14) *Eligible spouse* means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who is living with that individual (see § 416.1801(c)).

\* \* \* \* \*

3. The authority citation for subpart C continues to read as follows:

**Authority:** Secs. 1102, 1611 and 1631(a), (d), and (e) of the Social Security Act; 42 U.S.C. 1302, 1382, 1383(a), (d), and (e).

4. In § 416.305, paragraph (b)(1) is revised to read as follows:

**§ 416.305 You must file an application to receive supplemental security income benefits.**

\* \* \* \* \*

(b) *Exceptions.* You need not file a new application if—

(1) You have been receiving benefits as an eligible spouse and are no longer living with your husband or wife;

\* \* \* \* \*

5. The authority citation for subpart D continues to read as follows:

**Authority:** Sec. 1102, 1611 (a), (b), (c), and (e), 1612, 1617, and 1631 of the Social Security Act; 42 U.S.C. 1302, 1382 (a), (b), (c), and (e), 1382a, 1382f, and 1383.

6. Section 416.412 is revised to read as follows:

**§ 416.412 Amount of benefits; eligible couple.**

The benefit under this part for an eligible couple, neither of whom is temporarily residing in a medical care facility as described in § 416.1149(c)(1) nor is a qualified individual (as defined in § 416.211), shall be payable at the following rate:

Effective date	Percentage increase	Rate per year	Rate per month
07/82	7.4	\$5,116.80	\$426.40
07/83	3.5	5,476.80	456.40
01/84	3.5	5,664.00	472.00
01/85	3.5	5,856.00	488.00
01/86	3.1	6,048.00	504.00
01/87	1.3	6,120.00	510.00
01/88	4.2	6,384.00	532.00
01/89	4.0	6,636.00	553.00
01/90	4.7	6,948.00	579.00
01/91	5.4	7,320.00	610.00
01/92	3.7	7,596.00	633.00
01/93	3.0	7,824.00	652.00
01/94	2.6	8,028.00	669.00
01/95	2.8	8,244.00	687.00

The monthly rate is reduced by the amount of the couple's income which is not excluded pursuant to subpart K of this part.

7. In § 416.414, the paragraph headings for paragraphs (b)(2) and (b)(3) are revised to read as follows:

**§ 416.414 Amount of benefits; eligible individual or eligible couple in a medical care facility.**

\* \* \* \* \*

(b) \* \* \*

(2) *Eligible couple both of whom are temporarily absent from home in medical care facilities as described in § 416.1149(c)(1).* \* \* \*

(3) *Eligible couple with one spouse who is temporarily absent from home as described in § 416.1149(c)(1).* \* \* \*

\* \* \* \* \*

8. Section 416.430 is revised to read as follows:

**§ 416.430 Eligible individual with eligible spouse; essential person(s) present.**

(a) When an eligible individual with an eligible spouse has an essential person (§ 416.222) living in his or her home, or when both such persons each has an essential person, the increase in the rate of payment is determined in accordance with §§ 416.413 and 416.532. The income of the essential person(s) is included in the income of the couple and the payment due will be equally divided between each member of the eligible couple.

(b) When one member of an eligible couple is temporarily absent in accordance with § 416.1149(c)(1) and § 416.222(c) and either one or both individuals has an essential person, add the essential person increment to the benefit rate for the member of the couple who is actually residing with the essential person and include the income of the essential person in that member's income. See § 416.414(b)(3).

9. Section 416.432 is revised to read as follows:

**§ 416.432 Change in status involving a couple; eligibility continues.**

When there is a change in status which involves the formation or dissolution of an eligible couple (for example, marriage, divorce), a redetermination of the benefit amount shall be made for the months subsequent to the month of such formation or dissolution of the couple in accordance with the following rules:

(a) When there is a dissolution of an eligible couple and each member of the couple becomes an eligible individual, the benefit amount for each person shall be determined individually for each month beginning with the first month after the month in which the dissolution occurs. This shall be done by determining the applicable benefit rate for an eligible individual with no eligible spouse according to §§ 416.410 or 416.413 and 416.414 and applying § 416.420(a). See § 416.1147a for the applicable income rules when in-kind support and maintenance is involved.

(b) When two eligible individuals become an eligible couple, the benefit amount will be determined for the couple beginning with the first month

following the month of the change. This shall be done by determining which benefit rate to use for an eligible couple according to §§ 416.412 or 416.413 and 416.414 and applying the requirements in § 416.420(a).

10. The authority citation for subpart E continues to read as follows:

**Authority:** Secs. 1102, 1601, 1602, 1611(c), and 1631 (a)–(d) and (g) of the Social Security Act; 42 U.S.C. 1302, 1381, 1381a, 1382(c), and 1383 (a)–(d) and (g).

**§ 416.532 [Amended]**

11. In § 416.532, paragraph (e) is removed.

12. Section 416.554 is revised to read as follows:

**§ 416.554 Waiver of adjustment or recovery—against equity and good conscience.**

We will waive adjustment or recovery of an overpayment when an individual on whose behalf waiver is being considered is without fault (as defined in § 416.552) and adjustment or recovery would be *against equity and good conscience*. Adjustment or recovery is considered to be *against equity and good conscience* if an individual changed his or her position for the worse or relinquished a valuable right because of reliance upon a notice that payment would be made or because of the incorrect payment itself. In addition, adjustment or recovery is considered to be *against equity and good conscience* for an individual who is a member of an eligible couple that is legally separated and/or living apart for that part of an overpayment not received, but subject to recovery under § 416.570.

*Example 1:* Upon being notified that he was eligible for supplemental security income payments, an individual signed a lease on an apartment renting for \$15 a month more than the room he had previously occupied. It was subsequently found that eligibility for the payment should not have been established. In such a case, recovery would be considered "against equity and good conscience."

*Example 2:* An individual fails to take advantage of a private or organization charity, relying instead on the award of supplemental security income payments to support himself. It was subsequently found that the money was improperly paid. Recovery would be considered "against equity and good conscience."

*Example 3:* Mr. and Mrs. Smith—members of an eligible couple—separate in July. Later in July, Mr. Smith receives earned income resulting in an overpayment to both. Mrs. Smith is found to be without fault in causing the overpayment. Recovery from Mrs. Smith of Mr. Smith's part of the couple's overpayment is waived as being *against equity and good conscience*. Whether recovery of Mr. Smith's portion of the

couple's overpayment can be waived will be evaluated separately.

13. The authority citation for subpart K continues to read as follows:

**Authority:** Secs. 1102, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383; sec. 211 of Pub. L. 93–66, 87 Stat. 154.

**§ 416.1101 [Amended]**

14. In § 416.1101, the parenthetical reference in the definition of "*Spouse*" which reads "(See §§ 416.1806 through 416.1811)" is revised to read "(See § 416.1806)."

15. In § 416.1130, paragraph (c) is revised to read as follows:

**§ 416.1130 Introduction.**

\* \* \* \* \*

(c) *How we value in-kind support and maintenance.* Essentially, we have two rules for valuing the in-kind support and maintenance which we must count. The one-third reduction rule applies if you are living in the household of a person who provides you with both food and shelter (§§ 416.1131 through 416.1133). The presumed value rule applies in all other situations where you are receiving countable in-kind support and maintenance (§§ 416.1140 through 416.1145). If certain conditions exist, we do not count in-kind support and maintenance. These are discussed in §§ 416.1141 through 416.1145.

16. Section 416.1147 is revised to read as follows:

**§ 416.1147 How we value in-kind support and maintenance for a couple.**

(a) *Both members of a couple live in another person's household and receive food and shelter from that person.*

When both of you live in another person's household throughout a month and receive food and shelter from that person, we apply the one-third reduction to the Federal benefit rate for a couple (§ 416.1131).

(b) *One member of a couple lives in another person's household and receives food and shelter from that person and the other is in a medical institution.* If one of you is living in the household of another person who provides you with both food and shelter and the other is temporarily absent from the household as provided in § 416.1149(c)(1) (in a medical institution that receives Medicaid payments for his or her care (§ 416.211(b))), we compute your benefits as if you were separately eligible individuals (see § 416.414(b)(3)). This begins with the first full calendar month one of you is in the medical institution. The one living in another person's household is eligible at an

eligible individual's Federal benefit rate and one-third of that rate is counted as income not subject to any income exclusions. The one in the medical institution cannot receive more than the rate described in § 416.414(b)(3)(i).

(c) *Both members of a couple are subject to the presumed value rule.* If the presumed value rule applies to both of you, we value any food, clothing, or shelter you and your spouse receive at one-third of the Federal benefit rate for a couple plus the amount of the general income exclusion (§ 416.1124(c)(12)), unless you can show that their value is less as described in § 416.1140(a)(2).

(d) *One member of a couple is subject to the presumed value rule and the other is in a medical institution.* If one of you is subject to the presumed value rule and the other is temporarily absent from the household as provided in § 416.1149(c)(1) (in a medical institution that receives Medicaid payments for his or her care (§ 416.211(b))), we compute your benefits as if you were separately eligible individuals (see § 416.414(b)(3)). This begins with the first full calendar month that one of you is in the medical institution (§ 416.211(b)). We value any food, clothing, or shelter received by the one outside of the medical institution at one-third of an eligible individual's Federal benefit rate, plus the amount of the general income exclusion (§ 416.1124(c)(12)), unless you can show that their value is less as described in § 416.1140(a)(2). The one in the medical institution cannot receive more than the rate described in § 416.414(b)(3)(i).

17. The authority citation for subpart R continues to read as follows:

**Authority:** Secs. 1102, 1614 (b) (c), and (d), and 1631 (d)(1) and (e) of the Social Security Act; 42 U.S.C. 1302, 1382c (b), (c), and (d), and 1383 (d)(1) and (e).

18. In § 416.1801(c), the definition of "eligible spouse" is revised to read as follows:

**§ 416.1801 Introduction.**

\* \* \* \* \*

(c) \* \* \*

*Eligible spouse* means a person—

- (1) Who is eligible for SSI,
- (2) Whom we consider the spouse of another person who is eligible for SSI, and
- (3) Who was living in the same household with that person on—
  - (i) The date of filing an application for benefits (for the month of an application);
  - (ii) The date a request for reinstatement of eligibility is filed (for the month of such request); or
  - (iii) The first day of the month, for all other months. An individual is

considered to be living with an eligible spouse during temporary absences as defined in § 416.1149 and while receiving continued benefits under section 1611(e)(1) (E) or (G) of the Act.

\* \* \* \* \*

19. In § 416.1802, paragraph (b) is revised to read as follows:

**§ 416.1802 Effects of marriage on eligibility and amount of benefits.**

\* \* \* \* \*

(b) *If you have an eligible spouse—*

(1) *Counting income.* If you apply for or receive SSI benefits and have an eligible spouse as defined in § 416.1801(c), we will count your combined income and calculated the benefit amount for you as a couple. Section 416.412 gives a detailed statement of the amount of benefits and subpart K of this part explains how we count income for an eligible couple.

(2) *Counting resources.* If you have an eligible spouse as defined in § 416.1801(c), we will count the value of your combined resources (money and property), minus certain exclusions, and use the couple's resource limit when we determine your eligibility. Section 416.1205(b) gives a detailed statement of the resource limit for an eligible couple.

\* \* \* \* \*

20. Section 416.1806 is revised to read as follows:

**§ 416.1806 Whether you are married and who is your spouse.**

(a) We will consider someone to be your spouse (and therefore consider you to be married) for SSI purposes if—

- (1) You are legally married under the laws of the State where your and his or her permanent home is (or was when you lived together);
- (2) We have decided that either of you is entitled to husband's or wife's Social Security insurance benefits as the spouse of the other (this decision will not affect your SSI benefits for any month before it is made); or
- (3) You and an unrelated person of the opposite sex are living together in the same household at or after the time you apply for SSI benefits, and you both lead people to believe that you are husband and wife.

(b) if more than one person would qualify as your husband or wife under paragraph (a) of this section, we will consider the person you are presently living with to be your spouse for SSI purposes.

**§ 416.1811 [Removed]**

21. Section 416.1811 is removed.

22. In § 416.1830, paragraph (a) is revised to read as follows:

**§ 416.1830 When we stop considering you and your spouse an eligible couple.**

\* \* \* \* \*

(a) The calendar month after the month you stopped living with your eligible spouse, or

\* \* \* \* \*

23. In § 416.1832, paragraphs (c) and (d) are revised to read as follows:

**§ 416.1832 When we consider your marriage ended.**

\* \* \* \* \*

(c) We decide that either of you is not a spouse of the other for purposes of husband's or wife's social security insurance benefits, if we considered you married only because of § 416.1806(a)(2); or

(d) You and your spouse stop living together, if we considered you married only because of § 416.1806(a)(3).

[FR Doc. 95-7847 Filed 3-29-95; 8:45 am]

BILLING CODE 4190-29-M

**Food and Drug Administration**

**21 CFR Part 450**

[Docket No. 94N-0302]

**Antibiotic Drugs; Bleomycin Sulfate; Withdrawal of Regulation**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; withdrawal of regulation.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing a regulation that established standards for an antibiotic drug, nonsterile bleomycin sulfate bulk drug substance. This action is taken to allow interested persons an opportunity to comment on the standards for nonsterile bleomycin sulfate bulk drug substance. In a future issue of the **Federal Register**, the agency will issue a proposed rule setting forth standards for bulk nonsterile bleomycin sulfate.

**EFFECTIVE DATE:** March 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Tamar S. Nordenberg, Center for Drug Evaluation and Research (HFD-366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-2041.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 4, 1994 (59 FR 50484), FDA published a new antibiotic regulation setting forth standards for a nonsterile bleomycin sulfate bulk drug substance (21 CFR 450.10). This was published as a final rule to become effective on November 3, 1994. This new regulation differed from